

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLICATION NO. 09/840,826
ATTORNEY DOCKET NO. Q64154

REMARKS

I. Formal Matters

Applicant thanks the Examiner for initialing the references listed on form PTO-1449 submitted with the Information Disclosure Statement filed on July 2, 2002.

Applicant also thanks the Examiner for acknowledging the claim to foreign priority under 35 U.S.C. § 119 and for confirming that the certified copy of the priority document was received.

II. Preliminary Matters

Applicant has amended claims 1 and 5 for grammatical clarity. Applicant submits that such amendments were not made in response to any prior art rejection or other rejection. Such amendments do not narrow the scope of the claims and, therefore, do not subject the claims to prosecution history estoppel.

III. Claim Rejections

Claims 1-10 are all the claims currently pending in the application.

A. Rejections under § 102.

Claims 1, 4-5, 7-8, and 10 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Valtanen (WO 99/56231, hereinafter "Valtanen").

In the present invention, the data collating terminal receives the selected service along with the purchaser identification number in advance, thus enabling a comparison between the

information supplied to the data reader with the information supplied to the commerce provider server to verify the identity of the person in possession of the data holder. The internet commerce provider server stores the registered service information that corresponds to a particular identification number so that this information can later be given to the collating terminal. By contrast, Valtanen's automatic reading device checks the validity of the information supplied to it after the device is connected with the server (*see*, pg. 6, ln. 20-25, Valtanen).

The data processing apparatus only transmits a receipt for service to the customer (*see*, pg. 1, ln. 15-17, Valtanen). By contrast, the purchaser terminal of the claimed invention transmits both a receipt for service and a purchaser identification number to the customer with the data holder and to the memory of the internet commerce provider server.

Also, another difference is exemplified by the fact that the automatic reading device of Valtanen merely establishes the validity of the physical receipt the customer holds (*see*, pg. 5, ln. 15-25, Valtanen). This prior art makes no mention of a data collating terminal that is capable of verifying the valid identity of the purchaser in addition to the selected service.

The above facts clearly distinguish the claimed invention from the prior art which means Valtanen does not teach each and every feature of the claimed invention. In view of the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the above 35 U.S.C. § 102(a) rejection of independent claims 1, 5, 8, and 10. Further, Applicant

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respectfully submits that claims 4 and 7 are patentable at least by virtue of their dependence on claims 1 and 5 respectively.

B. Rejections under § 103.

Claims 2-3, 6 and 9 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Valtanen. The Examiner asserts that Valtanen discloses all of the features of the claimed invention except for a data collating terminal retrieving services stored in a commerce provider server. However, the Examiner asserts that it would have been obvious to a person skilled in the art to allow the data collating terminal to use an alternative method to check the validity of the purchase.

Applicant believes that Valtanen does not teach or suggest the invention recited in claims 2-3, 6 and 9. For example, the automatic reading device of Valtanen and the data collating terminal of the claimed invention are two entirely different entities with different functions. The data collating terminal of the claimed invention compares the identification number and selected service programmed onto the data holder card with the identification number and selected service stored in the memory of the internet commerce provider service. If this information is the same then the data collating terminal allows the purchaser to receive the registered service. Alternatively, Valtanen's automatic reading device merely checks the validity of the ticket and makes no provisions for checking the validity of the purchaser identity or for allowing the purchaser to pass to the next level and receive the selected service.

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The Examiner refers to the use of the data collating terminal to check the validity of the purchase but neglects to address the fact that the collating terminal serves more than just this function. The data collating terminal checks the validity of the purchase, the identification number, and then determines whether the customer is eligible to receive the selected service. It would not be obvious to one skilled in the art to automatically add the last two additional steps. Further, Valtanen does not even teach a data collating terminal device but only has an automatic reading device. These two devices have different purposes as discussed above. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of dependent claims 2-3, 6, and 9.

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IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

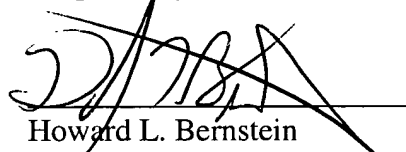
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